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S. 1). The editor passes at once to the related question of divorce and alimony, and ends by betraying his head-note. One further instance: In dealing with the difficult subject of mistake the editor begins (§156): "A mistake is some unintentional act or omission or error arising from ignorance, surprise, imposition or misplaced confidence." Comment is superfluous. Nowhere does the editor exhibit power of analysis, nor grasp of the theory of equity. His efforts to generalize are characteristically represented by the definition of mistake already quoted, and the following: "The ingenuity of man in devising new forms of wrong cannot outstrip its (equity's) development," (§4; repeated §63). Yet he justifies *Robertson v. Rochester Folding Box Co.*, 171 N. Y. 538 (§1296). Perhaps a greater familiarity with New York statutes and decisions might have modified this opinion. (Cf. *Binns v. Vitagraph Co.*, 210 N. Y. 51.)

In no respect is Mr. Lyons' edition an improvement upon its predecessor (the thirteenth edition, by M. M. Bigelow); most readers will find it of less value. There is no apparent reason for its appearance.

WILLARD BARBOUR.

THE RECKONING. A Discussion of the Moral Aspects of the Peace Problem, And of Retributive Justice as an Indispensable Element. By James M. Beck, Author of "The Evidence in the Case," "The War and Humanity," Membre correspondant à l' Etranger de la Société des Gens de Lettre de France. G. P. Putnam's Sons, New York and London: The Knickerbocker Press, 1918; pp. xxx, 225.

This is the third volume by the author on important legal and ethical problems arising out of the War. Preceding volumes of the series have already been considered in 17 MICHIGAN LAW REVIEW 100. This volume shows the same legal acumen combined with elevated moral ideals of its lawyer-publicist author that were noted in its predecessors in the series. The central theme of the book is found in the second chapter in which the author calls for "justice *through reparation* to men of goodwill and justice *by punishment* to men of ill will." It is interesting to the philosophic lawyer to note that the author with his sure feeling for eternal justice here brushes aside all the maudlin sentimentality of modern penologists with their talk of reformatory punishment, inflicted for the benefit of the criminal, or the ofttimes futile deterrent or preventive punishment and goes instinctively to the basic principle laid down by Aristotle that justice is equality, and, when the balance is disturbed by wrong doing, it can be reestablished only by taking the property of the offender and handing it over to his victim or, when pain has been caused, by inflicting an equivalent amount of pain upon the culprit. The author would apply this good old doctrine, crystallized by our forefathers in the maxim "an eye for an eye and a tooth for a tooth," to the present situation. We are now dealing with the greatest burglar of modern times, says the author. "We must destroy his kit of burglar tools, the Prussian military machine,***compel him to make restitution of his stolen property***and restore ravaged territories to their original condition," but above all else as a

'retributive punishment adequate to the crime' the Prussian Empire must be destroyed. At this writing (January 18) it seems as if all these demands would be met. The chapter on "The World Drama" and on America as "The Hamlet of Nations" may seem somewhat transcendental or esoteric to the hard headed lawyer but it all comes under the category of what Horace Greely called "interesting reading" and the modest purpose of the book, namely, to give to those now in authority who must settle our present day problems "the benefit of an enlightened public opinion" is adequately accomplished.

JOSEPH H. DRAKE.